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15 UNITED STATES DISTRICT COURT
16 Eastern District of Washington

17 RICCI PARK,

18 Plaintiff

19 v.

20 BNSF RAILWAY COMPANY, a Delaware
21 corporation,

22 Defendant

Case No.

COMPLAINT
FEDERAL EMPLOYERS LIABILITY ACT
(45 USC §51)

DEMAND FOR JURY TRIAL

23 Plaintiff alleges:

24 1.

25 This court has jurisdiction over this action under 45 USC § 56, 29 USC § 1331, and 28
26 USC § 1367 for her claims.

2. At all material times, Defendant (hereinafter "BNSF") was a Delaware corporation doing
business in Washington.

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3.

At all material times Plaintiff was an employed by Defendant as a control operator in interstate commerce.

4.

On October 11, 2020 plaintiff was working as a control operator for Defendant near Pasco, Washington when an office chair Plaintiff was required to use by Defendant collapsed beneath her, causing Plaintiff to strike her head on the floor and sustain a brain injury.

5.

Plaintiff's injuries were due in whole or in part to the acts and omissions of BNSF, which were negligent in one or more of the following particulars:

- a. Defendant required Plaintiff to use a chair that was not in good repair and safe working condition;
- b. Defendant failed to warn Plaintiff of the danger posed by the office chair it required Plaintiff to use;
- c. Defendant failed to maintain its office equipment, including chairs for employees, in good repair and safe working condition; and
- d. Defendant failed to replace the unsafe office chair it required Plaintiff to use.

6.

As a result of the negligence of BNSF, Plaintiff has suffered a permanent brain injury, pain, sadness, and worry, all to her non-economic damage in the amount of \$3,000,000. As a further result of BNSF's negligence, plaintiff has lost wages in the approximate amount of \$65,000, will continue to suffer lost wages and benefits in an amount to be proven at trial but is presently estimated at \$975,000, and will suffer losses to her railroad retirement annuity estimated at \$300,000. Plaintiff has incurred reasonable and necessary medical expenses of \$40,000, and will continue to incur medical expenses of approximately \$15,000 per year for an approximate total of \$285,000.

1 WHEREFORE, Plaintiff prays for judgment against Defendant for economic damages in
2 the amount of \$1,665,000, for her non-economic damages of \$3,000,000, and for her costs and
3 disbursements incurred herein and for such other relief as the Court may deem equitable and just.

4 Dated this 9th day of December, 2021.

5 ROSE, SENDERS & BOVARNICK, LLC

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7 By: s/ Paul S. Bovarnick
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